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FILED

Date 8/18/14 By Susan Saylor

9 **BEFORE THE**
10 **STRUCTURAL PEST CONTROL BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2015-5

13 **ARMANDO VELIZ**
14 **1848 Capital Street**
Corona, CA 92880

A C C U S A T I O N

15 **Field Representative License No. FR 44992**
16 **Applicator License No. RA 47332**

17 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity as
22 the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
23 Affairs.

24 2. On or about December 7, 2009, the Structural Pest Control Board issued Field
25 Representative License Number FR 44992 in Branch 2 to Armando Veliz (Respondent),
26 employee of Team Too – Team Termite and Pest Control, Inc. The Field Representative License
27 was in full force and effect at all times relevant to the charges brought herein and will expire on
28 June 30, 2015, unless renewed.

3. On or about May 7, 2007, the Structural Pest Control Board issued Applicator License Number RA 47332 in Branches 2 and 3 to Armando Veliz (Respondent), employee of Team Too – Team Termite and Pest Control, Inc. The Applicator License was downgraded on December 7, 2009 to include only Branch 3 when Respondent's Field Representative License was issued. The Applicator License was cancelled on May 7, 2013.

JURISDICTION

4. This Accusation is brought before the Structural Pest Control Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 8620 of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the holder, while a licensee or applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil penalty.

6. Section 8625 of the Code states:

The lapsing or suspension of a license or company registration by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license or company registration shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such licensee or company, or to render a decision suspending or revoking such license or registration.

STATUTORY PROVISIONS

7. Section 498 of the Code states:

A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee secured the license by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact.

8. Section 8637 of the Code states: “Misrepresentation of a material fact by the applicant in obtaining a license or company registration is a ground for disciplinary action.”

9. Section 8641 of the Code provides that failure to comply with the provisions of the Business and Professions Code, or any rule or regulation adopted by the Board, is a ground for disciplinary action.

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10. Section 8593 of the Code provides, in pertinent part, that the Board shall require as a condition to the renewal of each operator's and field representative's license that the holder submit proof satisfactory to the board that he or she has informed himself or herself of developments in the field of pest control either by completion of courses of continuing education in pest control approved by the board or equivalent activity approved by the board.

REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 1911 states:

Each operator, field representative and applicator shall file his or her address of record with the board and shall notify the board of any change in address within ten (10) days of such change. The address of record of a field representative, an operator or an applicator shall be the address of the registered company by which he or she is employed or with which he or she is associated or his or her residence address if he or she is not employed and associated.

Each licensee shall also file his or her address for mailing purposes with the board and shall notify the board of any change in address within ten (10) days of such change.

12. California Code of Regulations, title 16, section 1950 states:

(a) Except as provided in section 1951¹, every licensee is required, as a condition to renewal of a license, to certify that he or she has completed the continuing education requirements set forth in this article. A licensee who cannot verify completion of continuing education by producing certificates of activity completion, whenever requested to do so by the Board, may be subject to disciplinary action under section 8641 of the code.

(b) Each licensee is required to complete a certain number of continuing education hours during the three year renewal period. The number of hours required depends on the number of branches of pest control in which licenses are held. The subject matter covered by each activity shall be designated as "technical" or "general" by the Board when the activity is approved. Hour values shall be assigned by the Board to each approved educational activity, in accordance with the provisions of section 1950.5.

(d) Field representatives licensed in one branch of pest control shall have completed 16 continuing education hours, field representatives licensed in two

¹ 16 C.C.R. § 1951 states: "In lieu of continuing education, a licensee may qualify for renewal by taking and passing an examination designed by the Board to cover developments in the field of pest control. Licensees who choose this method of qualifying for renewal may take this examination only once, and must take the examination no earlier than one year prior to their license expiration date."

1 branches of pest control shall have completed 20 continuing education hours, field
2 representatives licensed in three branches of pest control shall have completed 24
3 continuing education hours during each three year renewal period. In each case, a
4 minimum of four continuing education hours in a technical subject directly related to
5 each branch of pest control held by the licensee must be completed for each branch of
6 pest control licensed, a minimum of two hours in Integrated Pest Management must
7 be completed by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and
8 a minimum of eight hours must be completed from Board approved courses on the
9 Structural Pest Control Act, the Rules and Regulations, or structural pest control
10 related agencies' rules and regulations.

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12 COSTS

13 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licentiate found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
17 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
18 included in a stipulated settlement.

19 FIRST CAUSE FOR DISCIPLINE

20 (Securing a License by Fraud, Deceit, or Knowing Misrepresentation of a Material Fact)

21 14. Respondent is subject to disciplinary action under sections 498 and 8637 of the Code
22 in that he secured his Field Representative License by fraud, deceit, or knowing misrepresentation
23 of a material fact. The circumstances are as follows:

24 15. Respondent signed the "License Renewal Application – Representative" for Field
25 Representative License number FR 44992. Declaring under penalty of perjury under the laws of
26 the State of California that his information was true and correct, Respondent stated that he
27 completed 16 hours of continuing education required for the renewal of his license. Respondent
28 failed to include the date on the renewal application. The Board returned the application to
Respondent stating his application was deficient because he failed to include the date. He was
directed to submit a statement that he completed 16 hours of continuing education required for the
renewal of his license. Respondent signed and dated the statement July 13, 2012, declaring under
penalty of perjury that his information was true and correct.

1 16. In a letter dated November 28, 2012, mailed to Respondent's address of record, the
2 Board informed Respondent that he had been selected for a continuing education audit.
3 Respondent was directed to provide the certificates of course completion for the 16 hours of
4 continuing education for the renewal period of July 1, 2009 through June 30, 2012. Respondent
5 was told that the requested information was due 14 days from the date of the letter, and that
6 failure to comply would subject him to disciplinary action. Respondent failed to comply with the
7 directive. A second letter dated January 9, 2013, was mailed to Respondent. Respondent failed to
8 comply with the directive.

9 17. In a letter dated October 23, 2013, sent to Respondent via Certified Mail to
10 Respondent's address of record, Respondent was directed to provide the requested information
11 within 14 days. The letter was returned by the post office marked "Return to Sender – Not
12 Deliverable as Addressed – Unable to Forward."

13 18. In a letter dated December 24, 2013, sent to Respondent's address of record via
14 Certified Mail, Respondent was warned that as a result of his ongoing non-compliance with the
15 continuing education audit, disciplinary action would be taken against his license. The letter was
16 returned by the post office marked "Return to Sender – Not Deliverable as Addressed – Unable to
17 Forward."

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Failure to Comply With the Provisions of the Structural Pest Control Act)**

20 19. Respondent is subject to disciplinary action under section 8641 of the Code, and
21 California Code of Regulations, title 16, section 1950, in that he failed to comply with the
22 provisions of the Structural Pest Control Act, as described in paragraphs 17-20, above.
23 Respondent's conduct violated Business and Professions Code section 8593, which required
24 Respondent, as a condition to the renewal of his Field Representative License, to submit proof
25 that he complete a minimum of 16 hours of continuing education in pest control approved by the
26 Board or equivalent activity approved by the Board within the three-year renewal period.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Failure to File Change of Address)**

3 20. Respondent is subject to disciplinary action under section 8641 of the Code, and
4 California Code of Regulations, title 16, section 1911, in that he failed to notify the Board of any
5 change in address within ten (10) days of such change.

6 **PRAYER**

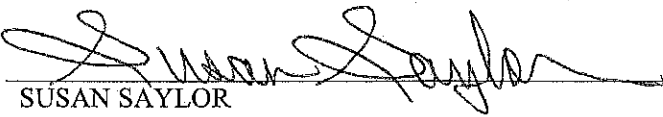
7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Structural Pest Control Board issue a decision:

9 1. Revoking or suspending Field Representative License Number FR 44992, issued to
10 Armando Veliz;

11 2. Ordering Armando Veliz to pay the Structural Pest Control Board the reasonable
12 costs of the investigation and enforcement of this case, pursuant to Business and Professions
13 Code section 125.3;

14 3. Taking such other and further action as deemed necessary and proper.
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17 DATED: 8/18/14

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19 SUSAN SAYLOR
20 Registrar/Executive Officer
21 Structural Pest Control Board
22 Department of Consumer Affairs
23 State of California
24 Complainant

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